

AN ORDINANCE 2006 - 0 1 - 1 9 - 0 0 7 8

CLOSING, VACATING, AND ABANDONING A 0.305 ACRE TRACT OUT OF THE APACHE CREEK RIGHT-OF-WAY ADJACENT TO NCB 8267 IN DISTRICT 5 FOR THE CONSIDERATION OF \$15,480

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Subject to the reservation of Section 2, the City finds surplus to its needs and hereby closes, vacates, and abandons 0.305 acres of land out of the Apache Creek right-of-way adjacent to NCB 8267, as more particularly described on **Exhibit A**. As a part of the closure, vacation, and abandonment, the City Manager or her designee are authorized and directed to sign and deliver on behalf of the City all document necessary or convenient to reflect the actions authorized by this ordinance, including but not limited to a Partial Release of Permanent Easement in a form substantially as set forth on **Exhibit B**. Both Exhibits A and B are incorporated into this ordinance for all purposes as if they were fully set forth.

SECTION 2. This ordinance does not release any public rights in the subject tract for drainage, water and wastewater lines, electric transmission lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract.

SECTION 3. The City Manager or her designee is authorized and directed to execute and deliver all documents and to do all other things necessary or convenient to reflect this closure, abandonment, and vacation.

SECTION 4. Funds in the amount of \$15,480.00 are to be deposited into Fund 29027000, Special Reserve Fund, internal order 224000000010, General Ledger 4903101 when received from UEMC, Inc.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

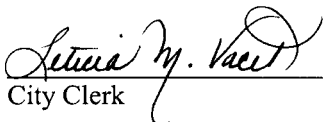
SECTION 6. This ordinance shall become effective January 29, 2006.

PASSED AND APPROVED this 19th day of January 2006.

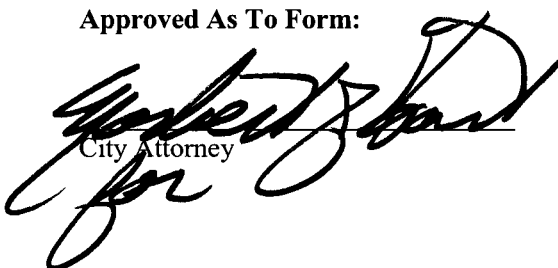

M A Y O R

Attest:

PHIL HARNER


City Clerk

Approved As To Form:


City Attorney

Agenda Voting Results

Name: 6.

Date: 01/19/06

Time: 02:22:30 PM

Vote Type: Multiple selection

Description: Public hearing and consideration of an Ordinance closing, vacating, and abandoning a 0.305 acre tract out of the Apache Creek right-of-way adjacent to NCB 8267 in District 5 for the consideration of \$15,480. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2	Not present			
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

Exhibit A

November 29, 2005
Job No. 60003524.01

DESCRIPTION OF 0.305 OF ONE ACRE

Being 0.305 of one acre of land out of the Apache Creek right-of-way (right-of-way varies-150 foot minimum), adjacent to New City Block 8267 and described in Volume 7735, Page 940, Official Public Records of Real Property, Bexar County, Texas and being more particularly described as follows:

POINT OF BEGINNING being a found 1/2-inch iron rod with a "CASTELLA & ASSOC" plastic cap being on the northwest corner of Lot 7, New City Block 8267, West Commerce Subdivision recorded in Volume 9544, Page 178, Deed and Plat Records, Bexar County, Texas;

THENCE, North 08°57'46" East, along the east right-of-way line of Matyear Street, (variable width right-of-way), 25.00 feet to a set 1/2-inch iron rod with "SURVCON INC" plastic cap being on the southerly right-of-way line of said Apache Creek right-of-way and northerly line of said Lot 7;

THENCE, South 80°48'04" East, 133.84 feet to a set 1/2-inch iron rod with "SURVCON INC" plastic cap being the beginning of a curve to the right;

THENCE, 313.38 feet along the arc of said curve to the right, having a radius of 1100.00 feet, delta of 16°19'23", and chord which bears South 72°38'23" East, 312.32 feet to a set 1/2-inch iron rod with "SURVCON INC" plastic cap;

THENCE, South 09°21'56" West, along the extension of the east line of said Lot 7, 35.73 feet to a found 1/2-inch iron rod with "CASTELLA & ASSOC" plastic cap;

THENCE, along the northerly lines of said Lot 7, the following five (5) courses:

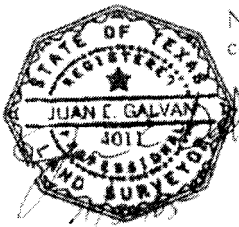
North 60°22'59" West, 25.04 feet to a found 1/2-inch iron rod with "CASTELLA & ASSOC" plastic cap;

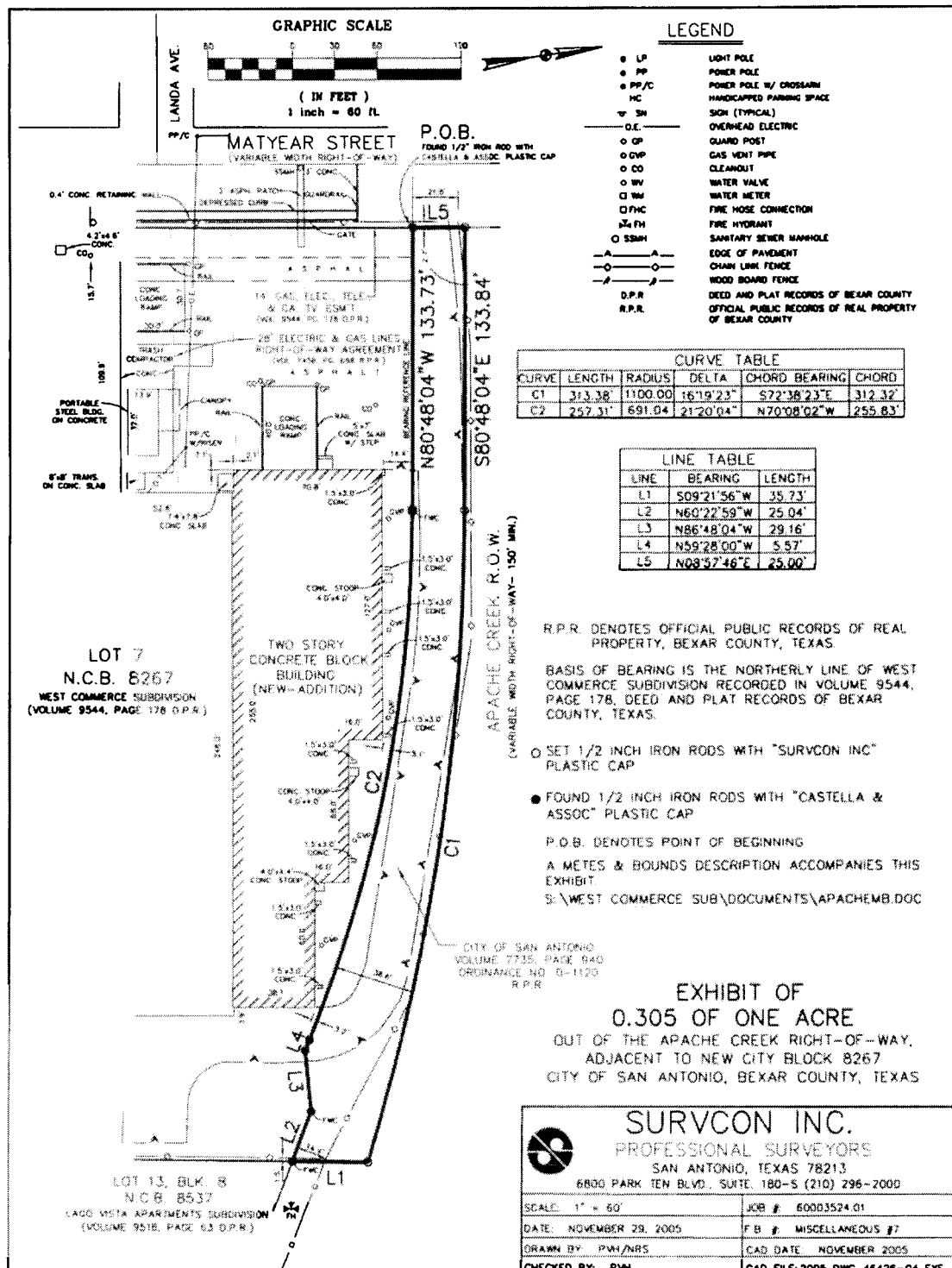
North 86°48'04" West, 29.16 feet to a found 1/2-inch iron rod with "CASTELLA & ASSOC" plastic cap;

North 59°28'00" West, 5.57 feet to a found 1/2-inch iron rod with "CASTELLA & ASSOC" plastic cap being the beginning of a curve to the left;

257.31 feet along the arc of said curve to the left, having a radius of 691.04 feet, delta of 21°20'04" and chord which bears North 70°08'02" West, 255.83 feet to a found 1/2-inch iron rod with "CASTELLA & ASSOC" plastic cap;

North 80°48'04" West, 133.73 feet to the **POINT OF BEGINNING** and containing a computed area of 0.305 of one acre of land.





S:\WEST COMMERCE SUB\dwg\2005.DWG_46426-04 EXE.dwg 11/29/2005 3:04:41 PM CST

Exhibit B

PARTIAL RELEASE OF PERMANENT EASEMENT
APACHE CREEK - SAN ANTONIO CHANNEL
IMPROVEMENT PROJECT

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF BEXAR §

WHEREAS, the City Council of the City of San Antonio passed and approved Ordinance No. 43413 which authorized the City Manager to execute the "Easement - Apache Creek Flood Control Project - Phase Two"; and

WHEREAS, said Permanent Easement was executed by the City Manager on January 15, 1974, accepted by the Manager of the San Antonio River Authority on February 22, 1974, and was recorded in Volume 7287, Page 794 of the Deed Records of Bexar County, Texas as Instrument No. 431261; and

WHEREAS, the flood control work for Apache Creek, San Antonio Channel Improvement Project was completed by the U. S. Army Corps of Engineers and is now being operated and maintained by the City of San Antonio; and

WHEREAS, Pass & Seymour Legrand, a new company in San Antonio which manufactures electrical switches, not being aware of the easement limits, constructed a fire lane (road) around the back side of their warehouse and intends to enclose it with a security fence; and

WHEREAS, the 0.305 acres of land required for the fire lane is adjacent to the improved channel of Apache Creek within the limits of said permanent easement; however, it is not required for project purposes, is surplus and can be released to the City of San Antonio to be used for a fenced-in fire lane to serve the Pass & Seymour Legrand Manufacturing plant.

Now, therefore, the San Antonio River Authority, acting herein by and through its General Manager, Fred N. Pfeiffer, hereunto duly authorized by Ordinance No. O-1120 of the Board of Directors of the San Antonio River Authority, does hereby release and quitclaim unto the City of San Antonio all of its right, title and interest in and to the 0.305 acres of land described as follows:

Description of a 0.305-acre tract of land out of the Apache Creek right-of-way, adjacent to New City Block 8267, and being more particularly described as follows:

Beginning at a point being the northeast corner of the Matyear Street right-of-way and being the northwest corner of Lot 7, N.C.B. 8267, West Commerce Subdivision, as recorded in Volume 9540, page 55 of the Deed and Plat Records of Bexar County;

Thence N. 08° 57' 46" E., along the extension of the east right-of-way line of Matyear Street into the said Apache Creek right-of-way, a distance of 25.00 feet to a point;

Thence S. 80° 48' 04" E., a distance of 133.84 feet to a point of curvature;

Thence southeasterly, along a curve to the right, having a central angle of 16° 19' 23", a radius of 1100.00 feet, a tangent length of 157.76 feet and a chord length of 312.32 feet with a chord bearing of S. 72° 38' 22" E., an arc distance of 313.38 feet to a point, being the extension of the east line of said Lot 7 into the Apache Creek right-of-way;

Thence S. 09° 21' 56" W., along the extension of the said east line of Lot 7, a distance of 35.73 feet to a point being the northeast corner of said Lot 7;

Thence along the north irregular line of said Lot 7, the following courses:

N. 60° 22' 59" W., a distance of 25.04 feet to a point;

N. 86° 48' 04" W., a distance of 29.16 feet to a point;

N. 59° 28' 00" W., a distance of 5.57 feet to a point of curvature;

Along a curve to the left, having a central angle of 21° 20' 03", a tangent length of 130.16 feet, and a chord length of 255.83 feet with a chord bearing of N. 70° 08' 03" W., an arc distance of 257.31 feet to a point of tangency; and

N. 80° 48' 04" W., a distance of 133.73 feet to the Point of Beginning; and containing 0.305 acre of land, more or less.

It is distinctly stipulated, understood and agreed by the parties hereto that this is a partial release only, releasing from the hereinabove described easement the 0.305 acre parcel of land hereinabove described and no more; it being further distinctly stipulated, understood and agreed that the remaining lands covered by the original permanent easement are now, and shall continue to be subject to said easement as fully as though said remaining easement lands were presently conveyed hereby.

It is further distinctly stipulated, understood and agreed by the parties hereto that the San Antonio River Authority, its successors and assigns, shall have the undisputed right of ingress and egress over any part of the easement lands remaining, for the purposes set forth in the above-described original easement executed on the 15th day of January, 1974.

The terms and conditions hereof are and shall be binding upon the parties hereto and their respective successors and assigns.

EXECUTED this 21ST day of OCTOBER, 1998.

SAN ANTONIO RIVER AUTHORITY

By: *Fred N. Pfeiffer*

FRED N. PFEIFFER
GENERAL MANAGER

ATTEST:

James W. Thompson
JAMES W. THOMPSON
ASSISTANT SECRETARY

CITY OF SAN ANTONIO

BY: _____

Erik J. Walsh
Asst. to the City Manager

ATTEST:

By: _____

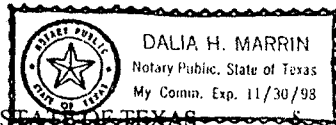
City Clerk

Approved As To Form: _____

City Attorney

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 26th day of October, 1998, by FRED N. PFEIFFER, General Manager of the San Antonio River Authority, on behalf of said Authority, a political subdivision of the State of Texas.



Dalia H. Marrin
Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the _____ day of _____, 1998, by _____ of the City of San Antonio.

Notary Public, State of Texas